THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.18351 of 2006

Dated: 9th October, 2006

Between:

K.Damodhar Reddy s/o Bhooma Reddy,
Age 40 yrs, Occ: Conductor E.No.306410,
A.P.S.R.T.C, Siddipet, Medak District **…..PETITIONER**

AND

The Managing Director,
A.P.S.R.T.C, Musheerabad, Hyderabad
& another. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.18351 of 2006

ORDER:

The petitioner filed this writ petition questioning the action of the respondent Corporation in regularizing his services only from 20-6-1991 and not from the date of his initial appointment i.e., from 05-4-1989, the day the petitioner joined the corporation as Conductor, and declare the same as illegal, contrary to law and discriminatory, and consequently direct the respondents to grant all consequential benefits.

The petitioner on 5-4-1989 joined the respondent corporation as Conductor on daily wages at Mancherial Depot. The Divisional Manager, Karimnagar by his proceedings in No.E1/145(B)/90-DVM-KR, dated 20-6-1991 regularised the services of the petitioner.

It is the grievance of the petitioner that the respondent corporation instead of regularizing his services from the date of his initial appointment i.e., from 5-4-1989 has regularized his services from 20-6-1991 though his juniors were regularized with effect from 26-10-

1989, and such action of the respondent Corporation is contrary to the law laid down by the apex Court in ***Divisional Manager, APSRTC and others Vs. P.Lakshmoji Rao and others***[1]***.***

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent Corporation and perused the judgment of the apex Court in ***Divisional Manager, APSRTC and others*** supra***.***

It is seen from the judgment supra, the apex Court holding that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, directed the appellant Corporation therein as under:

> "If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

The above extracted portion of the judgment of the apex Court makes it clear that it is applicable to the case on hand for the juniors of the petitioner were regularized prior to the regularization of the petitioner. The judgment of the apex Court was followed by this Court in W.P.No.16244 of 1999.

In that view of the matter, the writ petition is disposed of, directing that in case any conductors, who are appointed on daily wage basis along with the petitioner and are juniors to him have been regularized, the same benefit shall be extended to the petitioner also. An order in this regard shall be passed, within two months from the

date of receipt of a copy of this order. No costs.

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(N.V. RAMANA, J.)

Date:09th October, 2006.

GRK

[1] 2004 (3) ALD 1 (SC)